

1 The Honorable Kymberly K. Evanson
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WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHENZHEN ROOT TECHNOLOGY CO.,
LTD., HONG KONG LUTE
TECHNOLOGY CO., LIMITED, AND
SHENZHEN CONGLIN E-COMMERCE
CO., LTD.,

13 Plaintiffs,

14 v.

15 CHIARO TECHNOLOGY LTD.,

16 Defendant.

17 CHIARO TECHNOLOGY LTD.,

18 Counterclaim Plaintiff,

19 v.

20 SHENZHEN ROOT TECHNOLOGY CO.,
LTD., HONG KONG LUTE
TECHNOLOGY CO., LIMITED,
SHENZHEN CONGLIN E-COMMERCE
CO., LTD., SHENZHEN ROOT E-
COMMERCE CO., LTD., SHENZHEN
TPH TECHNOLOGY CO., LTD.,
SHENZHEN LUTEJIACHENG
NETWORK TECHNOLOGY CO., LTD,
AND SHENZHEN JINRUIHANG
TECHNOLOGY CO., LTD.,

26 Counterclaim Defendants.

10 Case No. 2:23-cv-00631-KKE

11 **JOINT CLAIM CONSTRUCTION**
12 **AND PREHEARING STATEMENT**

1 Pursuant to Local Patent Rule 132 and the Court's Order (Dkt. 124), Plaintiffs and
 2 Counterclaim Defendants Shenzhen Root Technology Co., Ltd., Hong Kong Lute Technology
 3 Co., Limited, Shenzhen Conglin e-Commerce Co., Ltd., Shenzhen Root E-Commerce Co., Ltd.,
 4 Shenzhen Lutejiacheng Network Technology Co., Ltd., and Shenzhen Jinruihang Technology
 5 Co., Ltd. (collectively, "Momcozy") and Defendant and Counterclaim Plaintiff Chiaro
 6 Technology Ltd. ("Elvie") jointly submit this Joint Claim Construction and Prehearing
 7 Statement.

8 **1. Agreed Claim Terms**

9 The parties met and conferred on December 9, 2024, but have not reached an agreement
 10 on construction for any claim terms.

11 **2. Disputed Claim Terms**

12 Attached as Exhibit A1 and A2 are the Claim Charts setting forth the parties' proposed
 13 constructions for the disputed terms, along with the parties' citations to intrinsic and extrinsic
 14 evidence. With respect to intrinsic support, the parties have identified those citations and
 15 excerpts that they believe to be most relevant to the proposed constructions. However, each
 16 party reserves the right to rely upon the intrinsic and extrinsic evidence identified by the other
 17 party to support or rebut any proposed constructions, and the parties may rely upon additional
 18 portions of the intrinsic evidence on rebuttal.

19 **a. Ten Most Important Claim Terms for Construction**

| 21 Claim Term | 22 Patent(s), claim(s) | 23 Momcozy's Proposed Construction | 24 Elvie's Proposed Construction |
|--------------------------------|--|---|---|
| 25 "in-bra wearable device" | 26 '893 Patent, claim 1 27 '380 Patent, claims 1, 28 26, 29, 44 29 '381 Patent, claim 1 | 30 "device that is 31 entirely contained 32 within bra when 33 worn" | 34 Plain and ordinary 35 meaning |

| Claim Term | Patent(s), claim(s) | Momcozy's Proposed Construction | Elvie's Proposed Construction |
|--|--|--|-------------------------------|
| “a pump / the pump / an air pump / the air pump” | '893 Patent, claims 1-3 '380 Patent, claims 1, 5, 6, 9-11, 26, 29, 44 '381 Patent, claims 1, 11, 26, 29 | “Piezo air pump” | Plain and ordinary meaning |
| “external surface of the housing” | '893 Patent, claim 1 '380 Patent, claim 29 | “surface of the pump housing that is exposed to its outside environment” | Plain and ordinary meaning |
| “attached / attach / attachable / attaches” | '893 Patent, claims 1, 17, 20 '380 Patent, claims 1, 9, 11, 15, 21, 29, 37 '381 Patent, claims 1, 14, 17 | “directly connected to / directly connect to” | Plain and ordinary meaning |
| “milk container” | '893 Patent, claims 1, 13, 16-21, 23, 26 '380 Patent, claims 1, 6, 8-12, 26-29, 33, 35-38, 43-46 '381 Patent, claims 1, 9, 13-18, 20, 21, 24 | “container collecting milk that is separate from the breast shield” | Plain and ordinary meaning |
| “close to a base of the housing” | '893 Patent, claim 3 | Indefinite | Plain and ordinary meaning |
| “substantially rigid” | '893 Patent, claims 6, 16 '380 Patent, claims 8, 35 '381 Patent, claim 13 | Indefinite | Plain and ordinary meaning |
| “configured to rotate smoothly around a nipple inserted into the nipple tunnel to provide a correct positioning of the | '893 Patent, claim 7 '380 Patent, claims 2, 30 '381 Patent, claim 2 | Indefinite | Plain and ordinary meaning |

| Claim Term | Patent(s), claim(s) | Momcozy's Proposed Construction | Elvie's Proposed Construction |
|--|---|---|-------------------------------|
| breast shield onto a breast” | | | |
| “the housing is configured to slide onto the breast shield, when the breast shield has been placed onto a breast, using guide members” | '893 Patent, claim 12 '381 Patent, claim 8 | “when the breast shield has been placed onto a breast, the housing is able to slide onto the breast shield using guide members” | Plain and ordinary meaning |
| “fixed to” | '380 Patent, claim 1 | “unremovably connected to during normal operation, use, and maintenance” | Plain and ordinary meaning |

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14 **b. Other Disputed Claim Terms**

15 The parties have not identified additional terms for construction.

16 **3. Proposed Order of Presentation at Hearing**

17 The parties believe that it will be most effective to start the *Markman* hearing with the
18 oral arguments for the disputed claim terms on a term-by-term basis based on the order of the
19 terms listed in Section 2 above, with Momcozy presenting first for each disputed term. Each side
20 should be allotted the same amount of total time, including live testimony (if any) and oral
21 argument.

22 **4. Live Testimony**

23 The parties believe that the most efficient way to present expert testimony in support of
24 the parties' claim construction positions is through expert declarations and citations to the
25 experts' deposition testimony. Thus, the parties consider it unnecessary and inefficient to call the
26 parties' experts live at the *Markman* hearing.

1 **5. Tutorial**

2 Momcozy believes that a tutorial on the subject matter is not necessary given the
 3 straightforwardness of the challenged technology. Should the Court request a technology
 4 tutorial, Momcozy will be happy to provide one of similar length as Elvie's proposed tutorial.

5 Elvie believes that a tutorial on the subject matter of the technology would be informative
 6 and requests twenty (20) minutes to present the technology tutorial to the Court.

7 **6. Independent Expert**

8 The parties do not believe it is necessary for the Court to appoint its own independent
 9 expert.

10 **7. Prehearing Conference**

11 The parties do not believe it is necessary to have a prehearing conference, pursuant to
 12 Patent L.R. 132(g), prior to the *Markman* hearing.

13 **8. Copies of Patents and Prosecution Histories**

14 Copies of the patents-in-suit and their prosecution histories are attached to this Joint
 15 Claim Construction and Prehearing Statement as Exhibits B-G:

| 16 Patents-in-Suit | 17 Copy of the Patent | 18 Prosecution History |
|---------------------------|------------------------------|-------------------------------|
| 19 11,357,893 | 20 Ex. B | 21 Ex. E |
| 22 11,413,380 | 23 Ex. C | 24 Ex. F |
| 25 11,813,381 | 26 Ex. D | 27 Ex. G |

21 To the extent that the file histories for any parents and related patents and patent
 22 applications have been included in the disclosure of intrinsic evidence, those file histories are
 23 attached to this Joint Claim Construction and Prehearing Statement as Exhibits E-G:

| 24 Related Patent/Application | 25 Prosecution History |
|--------------------------------------|-------------------------------|
| 26 11,357,893 | 27 Ex. E |
| 27 11,413,380 | 28 Ex. F |

| Related Patent/Application | Prosecution History |
|---|---------------------|
| 11,813,381 | Ex. G |
| Appl. No. 17/181,057 (parent to '380 Patent) | Ex. H |
| Appl. No. 16/009,547 (grandparent to '380 Patent) | Ex. I |

Dated: December 11, 2024

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1 Dated: December 11, 2024

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22 CERTIFICATION OF ELECTRONIC SIGNATURE

23 Pursuant to L.R. 11(a)(6)(B), I, Matthew A. Colvin, attest that all other signatories listed,
24 and on whose behalf the filing is submitted, concur in the filing's content and have authorized
25 the filing.

26 /s/ Matthew A. Colvin
27 Matthew A. Colvin